

Amendment No. 8 to HB2637

Fitzhugh
Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2639*

House Bill No. 2637

By deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-14-327, is amended by deleting such section in its entirety.

SECTION 2. Tennessee Code Annotated, Section 68-11-1623 is amended by deleting the first four sentences of the section and substituting instead the following:

All fees and civil penalties authorized by this part, with the exception of fees established pursuant 68-11-1625, shall be paid by the health services and development agency or collecting agency to the state treasurer and deposited in the general fund. Fees include, but are not limited to, fees for the application of certificates of need, subscriptions, project cost overruns, copying and contested cases.

SECTION 3. Tennessee Code Annotated, Title 12, Chapter 7, is amended by deleting Sections 12-7-101, 12-7-102, 12-7-103, 12-7-104, 12-7-105, and 12-7-107 in their entirety and substituting instead the following as new sections, respectively, as follows:

12-7-101. In order to control the cost and proliferation of publications and reports printed by state agencies, the commissioner of general services shall provide a permanent record of publications issued by state government and shall have authority to issue regulations implementing provisions concerning designation in such a manner as to provide for maximum continuity of such publications.

12-7-102.

(a) It is the duty of the commissioner of general services to establish rules and regulations to control the costs and quantity of all publications, and to promulgate rules and regulations governing the printing and distribution of state agency reports and

publications issued by agencies and departments of the government of the state of Tennessee, excluding institutions of higher education, the judicial branch of state government, and those state institutions and facilities exempted from public purchase laws in § 12-3-103. For purposes of this part, rules of the Publications Committee in existence on May 1, 2008, shall be deemed rules of the Commissioner of General Services.

(b) The rules and regulations on distribution shall include a provision stipulating that there shall be no automatic distribution of reports or publications, except the distribution provided for in chapter 6 of this title, or otherwise by law or resolution enacted after May 25, 1984, but that all distributions must either be approved in general by the commissioner of general services or be made upon request by the recipient.

(c) It also is the duty of the commissioner of general services to establish a procedure for reviewing all publications as hereinafter defined, and to approve or disapprove the printing of existing publications and planned publications which come under the provisions of this part.

(d) The commissioner of general services shall determine the need for existing and planned publications based upon agency's goals and purpose or statutory requirements, and the quantity and distribution of each approved publication.

(e) "Publications" includes any newsletter, stationery, greeting card, report or printed material produced for distribution outside the department or agency for which the report or printed material is printed, including those printed at facilities not operated by the state.

(f) The commissioner of general services may appoint a designee to fulfill the responsibilities laid out in this section.

12-7-103.

(a) No publication, coming within the jurisdiction of the commissioner of general services as provided by § 12-7-102, shall be printed unless it has been approved in accordance with rules promulgated by the commissioner of general services. Rules set

forth by the commissioner of general services shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) The commissioner of general services shall require any publication printed to include the number of copies printed.

(c) The commissioner of general services shall not approve any publication which purports to contain a citation to or a reproduction of a duly promulgated agency rule (as defined by the Uniform Administrative Procedures Act, § 4-5-102) prior to receiving a written statement from the secretary of state or the secretary of state's representative verifying the fact that the rule so cited or reproduced has been duly promulgated and is currently in effect.

(d) A printing authorization number shall be assigned to each publication which has been approved as required by this section. The printing authorization number shall be affixed to the publication adjacent to the identification of the agency responsible for the publication. No printing facility operated by the state shall print any publication, coming within the jurisdiction of the commissioner of general services as provided by § 12-7-102, unless the printing authorization number has been affixed as required by this subsection. No contract shall be entered into, nor requisition issued, nor acted upon, by any state department or agency, including, but not limited to, the division of purchasing, for printing of any publication coming within the jurisdiction of the commissioner of general services as provided by § 12-7-102, at any facility, unless the printing authorization number has been affixed as required by this subsection. All state contracts or grant agreements, including, but not limited to, all contracts for personal, professional and consultant services entered into under §§ 12-4-109 and 12-4-110, which involve or may involve the printing of any publication, coming within the jurisdiction of the commissioner of general services as provided by § 12-7-102, shall contain a provision whereby the contractor or grantee agrees that no publication shall be printed unless a printing authorization number has been obtained and affixed as required by this section.

(e) Whenever any department, institution or agency of the state government contracts for the printing of a publication coming within the jurisdiction of the commissioner of general services as provided by § 12-7-102, and such publication has not been approved in accordance with rules promulgated by the commissioner of general services, such contract shall be void and of no effect.

12-7-104. The commissioner of general services shall, as a minimum, keep the following information on each approved publication:

- (1) Name of publication;
- (2) Department producing publication;
- (3) Purpose and brief description of publication contents;
- (4) Number of copies authorized to be printed;
- (5) A general list of distribution; and
- (6) Estimated cost of preparation and printing.

12-7-105. It is the duty of all departments, institutions or agencies of state government to furnish to the commissioner of general services all material requested from the commissioner regarding publications and reports.

12-7-107. The approval procedure for publications established under this part may allow one-time approval of a publication which is printed on a periodic basis and which conforms to the format, design, and purpose of the publication as originally presented to either the commissioner of general services or the higher education publications committee for approval without requiring review and approval of subsequent issues of the publication.

SECTION 4. Tennessee Code Annotated 12-7-202, is amended by deleting the language "state publications committee" and substituting instead the language "commissioner of general services".

SECTION 5. Tennessee Code Annotated 12-7-203, is amended by deleting the section in its entirety and substituting instead the following language:

The commissioner of general services is charged with the responsibility of administering and enforcing the provisions of this part. The commissioner of general services shall provide to each department, board, commission, agency or other entity of state government an approved list of alkaline papers that meet or exceed the standard for permanent paper established in § 12-7-202.

SECTION 6. Tennessee Code Annotated 12-7-205, is amended by deleting the language “state publications committee” and substituting instead the language “commissioner of general services”.

SECTION 7. Tennessee Code Annotated, Section 68-11-1607(a), is amended by adding the following language as new subdivision:

(9) The closing or substantial reduction of services of any hospital that has been designated as a critical access hospital under the Medicare rural flexibility program;

SECTION 8. Tennessee Code Annotated, Title 68, Chapter 11, Part 16, is amended by adding the following as a new section:

68-11-16__.

(a) If two (2) or more healthcare systems that own and operate hospitals in Tennessee merge and the merger results in a new entity which controls at least twenty-five percent (25%) of market share, then:

(1) The new entity may relocate services and beds to any facility owned by the entity as a result of the merger that is located within the same county without any prior approval under this part from the health services and development agency as long as the relocations:

(A) Occur within twelve (12) months of the merger; and

(B) Do not result in a net increase in the number of licensed beds.

(2) The new entity shall notify the health services development agency of the relocations no later than forty-five (45) days following their occurrence.

(b) This section shall not be construed to include any joint ventures that the new entity might enter into with physicians or other parties.

(c) This section shall be repealed on June 30, 2009.

SECTION 9. Tennessee Code Annotated, Section 4-3-717(b), is amended by deleting the period at the end of subdivision (1) and by substituting instead the following:

, including entities as described in Section 64-10-101.

SECTION 10. If any provision of this act or the application of this act to any circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.